(എ) ഇക്കഴിഞ്ഞ നിയമസഭാ തിരഞ്ഞെടുപ്പിനു കൊച്ചിയിലെ ഓരോ നിയോജക മണ്ഡലത്തിലും എത്ര വോട്ടർമാർപീതം ഉണ്ടായിരുന്നു; ഓരോ നിയോജകമണ്ഡലത്തിലേയും ജനസംഖ്യയെന്തു";

(ബി) കഴിഞ്ഞ തിരഞ്ഞെടുപ്പിൽ ഓരോ നിയോജകമണ്ഡലത്തിലും ഓരോ സ്ഥാനാർത്ഥിക്കും കിട്ടിയ വോട്ടുകളെത്ര; അസാധുവായിപ്പോയ വോട്ടുകളെത്ര;

(സി) ഈ പ്രാവശ്യത്തെ തിരഞ്ഞെടുപ്പിൽ വോട്ടുകൾ അസാധുവായിപ്പോകുവാനുണ്ടായ കാരണമെന്താണു"; അതിന്റെ കാരണം വോട്ടർമാരല്ലെങ്കിൽ ആ വോട്ടുകളെ അസാധുവാക്കുന്നതു" ശരിയല്ലെന്നു ഗവണ്മെണ്ടിനറിയാമോ;

(ഡി) ഓരോ നിയോജകമണ്ഡലത്തിലേയും വോട്ടർമാരുടെ സംഖ്യകൾ തമ്മിലുള്ള ഭീമമായ വ്യത്യാസത്തെ പരിഗണിച്ചു വോട്ടർമാരുടെ സംഖ്യ ഏതാണ്ടു് ഒരുപോലെ വരത്തക്കവണ്ണം നിയോജക മണ്ഡലങ്ങൾ പുനഃസംഘടിപ്പിക്കേണ്ടതാണെന്നുള്ള സംഗതി ഗവണ്മെണ്ടിന്റെ ശ്രദ്ധയിൽ പെട്ടിട്ടുണ്ടോ?

മിസ്റ്റർ ബി. വി. കെ. മേനോൻ:

(എ) അനുബന്ധം നോക്കുക. I

(ബി) അനുബന്ധം നോക്കുക. II

(സി) ചില വോട്ടുകൾ നിയമാനുസരണം വേണ്ടതായിട്ടുള്ള സീൽ ബാലറ്റ് കടലാസ്സിൽ ഇല്ലാത്ത കാരണംകൊണ്ടും ചിലതു മറ്റു നിയോജകമണ്ഡലങ്ങളിലെ ബാലറ്റ് കടലാസ്സു് ആയതുകൊണ്ടും; രൂപപ്രകാരം വരണാധികാരികളാണ് ഈ വോട്ടുകളുടെ സാധുത്വവും അസാധുത്വവും തീർച്ചയാക്കേണ്ടതു്.

(ഡി) ഗവണ്മെണ്ടു് ഈ കാര്യം ആലോചിക്കുന്നതാണു്.

മിസ്റ്റർ എം. കെ. വർഗ്ഗീസ്സ് : അടുത്ത തിരഞ്ഞെടുപ്പിനു മുമ്പു് തീരുമാനമുണ്ടാകുമെന്നു പ്രതീക്ഷിക്കാമോ ?

മിസ്റ്റർ ബി. വി. കെ. മേനോൻ : നോട്ടീസ്സില്ലാതെ അതിനെപ്പറ്റി ഇപ്പോൾ തീർച്ചപറയുവാൻ സാധിക്കുകയില്ല.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ : രൂപപ്രകാരം വരണാധികാരികളാണു് ഈ വോട്ടുകളുടെ സാധുത്വവും അസാധുത്വവും തീർച്ചയാക്കേണ്ടതു് എന്നിവിടെ പറഞ്ഞിട്ടുണ്ടു്. ഇന്നയിനം വോട്ടുകൾ തള്ളിക്കളയണം എന്ന നിയമമില്ലേ ?

മിസ്റ്റർ ബി. വി. കെ. മേനോൻ : നിയമാനുസരണം ഇന്നയിന്ന വോട്ടുകൾ ഇൻവാലിഡ് ആകും എന്നുണ്ടു്. അതു തീർച്ചയാക്കേണ്ടതു റിട്ടേണിങ്ങ് ആഫീസർമാരാണു്.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ : അതിൽ വല്ല ആക്ഷനും എടുക്കുവാൻ ഗവണ്മെണ്ടിനാവകാശമില്ലേ ?

മിസ്റ്റർ ബി. വി. കെ. മേനോൻ : രൂപപ്രകാരം ആക്ഷൻ വേണമെന്നു തീർച്ചയാക്കേണ്ടതും അവരാണു്.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ : സീലില്ലാത്ത വോട്ടുകൾ ഇൻവാലിഡ്ആകയില്ലേ?

Mr. B. V. K. Menon *(Secretary to Government)*: I beg to submit that these matters are pending enquiry in the Election Court and in most of the election petitions one of the grounds is that a number of votes have been made invalid. So I suggest it will not be proper for this Council to question the correctness or incorrectness of the votes that have been declared invalid by these Returning Officers.

Mr. President : I suggest for the consideration of the Hon'ble Members that it would be well to defer any discussion of this matter until Hon'ble Members are in possession of the decision of the Election Tribunal on these matters.

48. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Will Government be pleased to state.—

(*a*) when was the list of Polling Officers published in the Gazette for the election in 1,100, 1103, 1106, 1110; 1113;

(*b*) what was the reason for publishing such names only two days prior to the date of election in 1120?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*:

(*a*) Please see Appendix III.

LIBRARY ARCHIVES Kerala Legislative Assembly

(*b*) Publication in the Gazette is not obligatory under the Rules. The next Gazette after the notification was on 13th Edavam 1120 and so the Notification was published that day but copies were sent to Heads of Departments on 9th Edavam 1120, *i.e.*, 7 days before the election.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : May I know, Sir, under what rule do the Government say that the publication in Gazette is not obligatory under the rules?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: Because no rule says it should be published. Any body who says that it has to be published has to point out the rules.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : May I read out the notification "In exercise of the powers conferred.....under rule 27(a)....." this is published.

Mr. A. Madhava Prabhu *(Diwan Peishkar)* : Rule 27(*a*) may also be read.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : I have read it and I have got it.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: I shall read rule 27(*a*).

"If owing to there being more than one candidate, a poll has to be taken, the Diwan Peishkar shall appoint forthwith one or more Presiding Officers for each polling station. The Peishkar may also, if necessary, appoint one or more officers to assist the Presiding Officer in indentifying the voters."

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Then why this reference to rule 27(*a*) in the notification.

Mr. M. Sivarama Menon *(Advocate-General)*: That is because the power vested in the Diwan Peishkar under that rule was exercised. No statutary notification is necessary.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : May I know, Sir, whether it is because of the absence of a clause that it shall be published in the Gazette that it is stated that the notification is not obligatory?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: Yes. It is exactly so.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : May I know, Sir, whether the Government have to publish the list of accepted nominations in the Gazette?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: I want notice.

Mr. President: Perhaps the Hon'ble Member would read the rules.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: May I know whether the position of the Government is that it is not also obligatory to publish in the Government Gazette the list of accepted nominations or valid nominations?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: If the rule does not say that it should be published, it is not obligatory.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Is it the position of the Government that it is not obligatory ?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: I have answered the question.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : May I read the rule with regard to nomination?

Mr. President: Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Rule 23 runs "On the day appointed for the receipt of nomination papers, and immediately after the hour for their receipt is past, the Returning Officer shall make up a list in Form VII of the nominations which appear to him *prima facie* to be valid and publish it on the notice board of his office with a notice that the nomination papers will be taken up by him for scrutiny on the date fixed in paragraph 20 (1) (*d*) at a place and hour to be specified by him". Here also, with regard to the publication in the Gazette, nothing is mentioned. Therefore, may I know whether it is the position of the Government that publication of valid nomination papers accepted by the Returning Officers is also not necessary ?

Mr. President: I take it from the answers given that the position is that unless the rules specifically require publication in the Gazette, such publication is not obligatory.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Satisfied, Sir. With regard to the Appendix III, it will be seen that from the start up to the last election the publication about the appointment of Polling Officers was made in the Gazette sufficiently early—any person interested in knowing the dates may know, the figures are there—here alone we have the case of two days prior to the election of the notification appearing in the Gazette, while in the case of the other elections, it was all more than one week. May I know whether there is any particular reason why it was cut down to two days this time ?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. Madhava Prabhu *(Diwan Peishkar):* So far as the action of the officers who published it much earlier is concerned, I do not know why they did it or how it was possible for them to do it earlier. So far as our rules, existing rules, are concerned, I can say that we are able to know the names of candidates who are standing and the constituencies in which there is going to be contest, only when the final list of nominations, after the withdrawal, is known. That is ten days before the date fixed for the election. Here it was Friday. It was on that day at mind-night that we could know which were the candidates who were going to withdraw. Until that, we could not say where there was going to be a contest, where there was not going to be a contest. Appointment of polling officers as I read rule 27 just now is contemplated only in cases in which there is contest and not otherwise. Therefore the very next day, that is on Saturday, the final list of appointment was prepared and sent out to the Press here. That was on 6th Medam 1120. It was prepared on Saturday and sent by the very evening train. The number of appointments is 413. The list was prepared long long ago but from that list—it is here it covers over 53 pages—from that list the name of those polling stations where there was not to be an election, due to the withdrawal of the contesting candidate, had to be struck off, the list was fair-copied and sent to the Government Press for publication. It was got printed on Sunday, special workers were entertained in the Press, and it was printed on Sunday and Monday together and it reached my office by the night train on Monday. On Tuesday before 12 noon, by number of clerks sitting together, it was despatched to every office on that day. I was at Cranganur at 6 o'clock that day to see how election arrangements were made then. I saw bundles of these lists meant for Cranganur reaching Cranganur from Trichur on that day. Similarly it reached all the offices, even those in the moffussil. From another source also, that is the source showing that application were received for certificates under section 42 on the 11th this was seen—that means what promptness was shown in the publication. Nothing could be done before the names of those who contested were known.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: പോളിങ്ങ് ഓഫീസർമാരിൽ ചിലർ അങ്ങിനെ വിശ്വസ്തരാകുകയില്ലെന്ന തോന്നലുണ്ടോ?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Human nature is so varied; I can't say.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know whether the Government do not expect their servants to be above.....?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Yes, there is no doubt expectations.

Mr. President: Order, order. The Hon'ble Member must allow the other Hon'ble Member to finish his question.

49. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Will Government be pleased to state.—

(*a*) when the list of polling officers and their assistants was published in the Gazette;

(*b*) whether the clerks, watchers and others to help these polling officers are not to be selected by them;

(*c*) whether there was not a correction to the list published first, dated 14th Edavam 1120?

Mr. A. Madhava Prabhu *(Diwan Peishkar):*

(*a*) The notification dated, 19th May 1945 (6th Edavam 1120) was published in the Gazette, dated 26th May 1945 (13thEdavam 1120). Copies of the notification were however sent to the Heads of Departments on 9th Edavam 1120.

(*b*) Yes.

(*c*) Yes. The correction under (c) was in respect of the personnel of the Presiding Officers who for one reason or other were unable to do the work.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know the reason for this correction?

Mr. President: The reason is given in the printed answer.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know whether they reported that they cannot come after the appointment was communicated to them.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Yes.

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